

REMARKS

This Reply and Amendment is intended to be completely responsive to the non-final Office Action. Claims 1-50 are pending in this Application and currently stand rejected. Independent Claims 1, 13, 26 and 38 have been amended to recite subject matter that the Applicants believe is allowable and overcomes the rejections.

The Applicants respectfully request reconsideration of the present Application in view of the foregoing amendments and in view of the reasons that follow.

Claim Rejections – 35 U.S.C. § 112 ¶ 2

On page 2 of the Office Action, the Examiner rejected Claims 28, 29 and 38-50 as being indefinite. The Examiner stated in Claim 28, it is not clear which opening is being referenced, and in Claim 38, the term “slot-like” is indefinite.

Claim 28

The Applicants have amended Claim 28 to clarify which openings are being referenced.

Claim 38

The Applicants have amended Claims 38, 41-43, and 47-49 to change “slot-like” to “slot.”

Accordingly, the Applicants believe that the rejections to Claims 28-29 and 38-50 have been overcome, and respectfully request withdrawal of the rejections and allowance of Claims 28-29 and 38-50.

Claim Rejections – 35 U.S.C. § 102(b)

On page 2 of the Office Action, the Examiner rejected Claims 1-3, 5-19, 21-26, 28, 30-42 and 44-50 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,039,049 (“Niemi”).

Independent Claim 1

Independent Claim 1 (as amended) recites a “modular cornice system” comprising (in combination with other elements) “at least one integrally formed slot extending at least partially along the front side, the slot providing access to an integrally formed elongated recess configured to receive and retain a cover material applied over at least a portion of the face section.”

Niemi is directed to a valance [51] that mounts on a curtain rod [10]. Niemi does not disclose, teach or suggest “at least one integrally formed slot extending at least partially along the front side, the slot providing access to an integrally formed elongated recess configured to receive and retain a cover material applied over at least a portion of the face section” as required by independent Claim 1 (as amended).

Accordingly, the Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 102(b) and reconsideration and allowance of independent Claim 1 (as amended), and dependent Claims 2-12, as they depend from independent Claim 1 (as amended).

Independent Claim 13

Independent Claim 13 (as amended) recites a “modular decorating system” comprising (in combination with other elements) “first and the second elongated members having connecting structure configured to connect the first and second elongated members in an end-to-end relationship to form an extended face section of a desired length.”

Niemi is directed to a valance [51] that mounts on a curtain rod [10]. Niemi does not disclose, teach or suggest “first and the second elongated members having connecting structure configured to connect the first and second elongated members in an end-to-end relationship to form an extended face section of a desired length” as required by independent Claim 13 (as amended).

Accordingly, the Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 102(b) and reconsideration and allowance of independent Claim 13 (as amended), and dependent Claims 14-25, as they depend from independent Claim 13 (as amended).

Independent Claim 26

Independent Claim 26 (as amended) recites a “kit” comprising (in combination with other elements) “at least one accessory panel configured to interconnect with at least one of the top and the bottom of the face panel.”

Niemi is directed to a valance [51] that mounts on a curtain rod [10]. Niemi does not disclose, teach or suggest “at least one accessory panel configured to interconnect with at least one of the top and the bottom of the face panel” as required by independent Claim 26 (as amended).

Accordingly, the Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 102(b) and reconsideration and allowance of independent Claim 26 (as amended), and dependent Claims 27-37, as they depend from independent Claim 26 (as amended).

Independent Claim 38

Independent Claim 38 (as amended) recites a “cornice system” comprising (in combination with other elements) “an elongated retainer flap on the first panel configured to movably mount the first panel and the second panels to a mounting surface.”

Niemi is directed to a valance [51] that mounts on a curtain rod [10]. Niemi does not disclose, teach or suggest “an elongated retainer flap on the first panel configured to movably mount the first panel and the second panels to a mounting surface” as required by independent Claim 38 (as amended).

Accordingly, the Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 102(b) and reconsideration and allowance of independent Claim 38 (as amended), and dependent Claims 39-50, as they depend from independent Claim 38 (as amended).

Claim Rejections – 35 U.S.C. § 103(a)

Claims 4 and 26-29

On page 3 of the Office Action, the Examiner rejected Claims 4 and 26-29 under 35 U.S.C. § 103(a) as being unpatentable over Niemi in view of U.S. Patent No. 5,505,245 Badalamenti.

Dependent Claim 4 depends from independent Claim 1. Independent Claim 1 (as amended) is believed to recite subject matter that is patentable (as previously described). Accordingly, the Applicants respectfully submit that dependent Claim 4 is allowable (see 35 U.S.C. § 112, ¶ 4).

Independent Claim 26 (as amended) recites a “kit” comprising (in combination with other elements) “at least one accessory panel configured to interconnect with at least one of the top and the bottom of the face panel.”

Niemi is directed to a valance [51] that mounts on a curtain rod [10]. Badalamenti is directed to a resilient foam cornice [12] that mounts onto a curtain rod. Niemi and Badalamenti, alone or in any proper combination, do not disclose, teach or suggest “at least one accessory panel configured to interconnect with at least one of the top and the bottom of the face panel” as required by independent Claim 26 (as amended).

Accordingly, the Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 103(a) and reconsideration and allowance of independent Claim 26 (as amended), and dependent Claims 27-29, as they depend from independent Claim 26 (as amended).

Claims 20 and 43

On page 3 of the Office Action, the Examiner rejected Claims 20 and 43 under 35 U.S.C. § 103(a) as being unpatentable over Niemi in view of U.S. Patent No. 6,032,433 Hatziathanasiou.

Dependent Claim 20 depends from independent Claim 13. Independent Claim 13 (as amended) is believed to recite subject matter that is patentable (as previously described). Accordingly, the Applicants respectfully submit that dependent Claim 20 is allowable (see 35 U.S.C. § 112, ¶ 4).

Dependent Claim 43 depends from independent Claim 38. Independent Claim 38 (as amended) is believed to recite subject matter that is patentable (as previously described). Accordingly, the Applicants respectfully submit that dependent Claim 43 is allowable (see 35 U.S.C. § 112, ¶ 4).

Accordingly, the Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 103(a) and reconsideration and allowance of dependent Claims 20 and 43, as they depend from independent Claims 13 and 38 (as amended) respectively.

* * *

The Applicants respectfully submit that each and every outstanding rejection to the pending claims has been overcome, and that the Application is in condition for allowance. The Applicants respectfully request reconsideration and allowance of pending Claims 1-50.

The Examiner is encouraged to contact the undersigned by telephone if the Examiner believes that a telephone interview or Examiner's Amendment would advance the prosecution of the present application.

If any extensions of time are needed for timely acceptance of papers submitted herewith, the Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorize payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

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By 

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